

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THE SIERRA CLUB,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:19-cv-01284-WSS
)	
GENON POWER MIDWEST, LP,)	
)	
Defendant.)	

**DEFENDANT GENON POWER MIDWEST, LP’S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to LCvR 56(B), Defendant GenOn Power Midwest, LP (“GenOn”), by its undersigned counsel, moves for summary judgment in its favor and a dismissal with prejudice of the Complaint filed against it by Plaintiff Sierra Club. For the reasons stated more fully in the accompanying Memorandum of Law in Support, Sierra Club’s claims fail as a matter of law for two reasons. First, Sierra Club lacks standing to bring its claims because its members identified for purposes of standing lack any injury-in-fact attributable to the Cheswick Generating Station’s (“Cheswick”) thermal discharges, and the evidence fails to establish any environmental impacts to the Allegheny River as a result of Cheswick’s thermal discharges. Second, the evidence fails to establish that GenOn violated the single sentence permit condition at issue in this case. Without a violation, Sierra Club’s claims fail as a matter of law because there is no liability under either the federal Clean Water Act or the Pennsylvania Clean Streams Law. As reflected in the Concise Statement of Material Facts accompanying this Motion, there are no genuine issues of material fact for trial, and GenOn is entitled to judgment as a matter of law.

WHEREFORE, GenOn respectfully requests that this Court grant summary judgment in its favor and dismiss the Complaint in its entirety with prejudice.

Dated: March 30, 2021

/s/ Alana E. Fortna

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CERTIFICATE OF SERVICE

I certify on this 30th day of March, 2021, I served the foregoing Defendant GenOn Power Midwest LP's Motion for Summary Judgment via the Court's ECF electronic filing system on the following counsel of record:

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